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Report of the Secretary-General on the situation in Abkhazia, Georgia

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1427 (2002) of 29 July 2002, by which the Council decided to extend the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 31 January 2003 and requested me to report three months from the date of the adoption of the resolution. It provides an update on developments since my report of 10 July 2002 (S/2002/742).

2. Heidi Tagliavini continued to head UNOMIG as my Special Representative for Georgia, and Major General Kazi Ashfaq Ahmed (Bangladesh) continued to serve as the Chief Military Observer. The strength of UNOMIG on 1 October 2002 stood at 108 military observers (see annex).

II. Political process

3. During the period under review, UNOMIG continued to search for ways to engage the Georgian and Abkhaz sides on the paper entitled "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and its transmittal letter, as a step towards holding substantial negotiations on the core issue of the conflict, namely, the future status of Abkhazia within the State of Georgia. In these efforts, it had the support of the Group of Friends of the Secretary-General. At the same time, UNOMIG devoted considerable energy to the situation in the Kodori Valley, which remained a major source of tension. The situation in the wider area remained tense in the context of which UNOMIG carries out its work.

4. In addition to consulting with the leadership of the two sides, and in order to find ways to move the political process forward and overcome continuing Abkhaz refusal to even discuss the paper on competences, my Special Representative embarked on a round of consultations in the capitals of the Member States constituting the Group of Friends. In August and September, she visited Moscow, Washington and Berlin and she intends to visit London and Paris in the near future. She also conducted consultations at Headquarters in New York.

5. The efforts to arrange a meeting in Sukhumi at which my Special Representative, together with the representatives of the Group of Friends, would familiarize the Abkhaz leadership with the substance of the paper on competences (see S/2002/742, para. 4) have not succeeded so far. In view of this, and in consultation with the Group of Friends and my Special Representative, the Russian Federation offered to facilitate a meeting in Moscow with the de facto Abkhaz Prime Minister, Anri Jergenia. It was envisaged that, at that meeting, Mr. Jergenia would be acquainted with the substance of the paper on competences and the rationale behind it, but that it would not be handed over; Mr. Jergenia in turn would have the opportunity to explain his views on the settlement of the conflict. The meeting was scheduled for 5 October but it was not held because Mr. Jergenia rejected a discussion of the paper and the participation of my Special Representative.

6. UNOMIG continued its efforts to bring the two sides together in the framework of the Coordinating Council. While it again proved to be impossible to arrange a meeting of the Council itself, the sides did meet on 20 July in Working Groups I (on security

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matters) and II (on internally displaced persons and refugees) of the Council. They also met several times, both in the presence of UNOMIG and bilaterally, to discuss the situation in and around the Kodori Valley.

III. Operational activities

7. The UNOMIG military observers continued to perform their mandated tasks through daily ground patrols in the Gali and Zugdidi sectors, as well as two- or three-day patrols in the Kodori Valley, the latter jointly with the Commonwealth of Independent States (CIS) peacekeeping force. On three occasions the patrols had to be cancelled because of the lack of security guarantees. Patrolling by helicopter remained suspended; administrative flights were conducted following a flight path over the Black Sea. The investigation into the shooting down of a UNOMIG helicopter on 8 October 2001 is to be completed by the end of October 2002.

Kodori Valley

8. Following the gradual stabilization of the situation in and around the Kodori Valley in May and June (see S/2002/742, para. 10), a joint UNOMIG/CIS patrol was conducted from 16 to 18 July. It assessed the situation as calm but unstable; the mortars and ammunition observed in the Georgian-controlled upper valley by earlier patrols (see S/2002/742, para. 11) had, however, still not been removed. On 20 July, Working Group I of the Coordinating Council met under the chairmanship of the Chief Military Observer to discuss measures to further stabilize the situation in the Kodori Valley. The Georgian side stated that it had reduced the number of border guards and undertook again to remove the military equipment from the valley.

9. Late in July, the situation took a turn for the worse. On 30 July, the Georgian authorities informed UNOMIG that Abkhaz troops had been spotted near the Marukhi Pass (on the Russian-Georgian border) which is connected to the upper Kodori Valley by the approximately 40-kilometre long Chkhalta Valley. On the same day, the Abkhaz side informed UNOMIG that several Georgian helicopters had landed troops close to the pass; it threatened military action if the Georgian side did not withdraw immediately.

10. On 31 July, a UNOMIG/CIS patrol was told by Georgian officials that a Russian helicopter carrying troops had landed south of the Marukhi Pass. Later in the day, the Georgian Defence Minister and the Chief of the National Guard arrived in the Kodori Valley and went to the Marukhi Pass. On their return, the two officials stated to the UNOMIG patrol that the Russian helicopter had flown into the area mistakenly and that the situation had been resolved. Also on 31 July, UNOMIG received a letter from the Abkhaz side, expressing strong concerns about Georgian landings in the Marukhi Pass area the day before and informing UNOMIG that several checkpoints would be established there to prevent infiltration by "international terrorists" and "illegal actions" by the Georgian side.

11. As the tensions were mounting, UNOMIG worked with the two parties to prevent a resort to force. On 4 August, it arranged a meeting between the Georgian State Minister, Avtandil Jorbenadze, and Mr. Jergenia on the Inguri River bridge. At that meeting, and a follow-up meeting of the respective Chiefs of General Staff on 6 August, the parties agreed to withdraw their units from the Marukhi Pass area and jointly inspect it as soon as possible. That inspection has not so far been carried out. The parties also requested UNOMIG to participate in the inspection and consider establishing a permanent post in the upper Kodori Valley.

12. During the following days, the tensions continued. The Georgian side accused the Abkhaz of moving their forces to Georgian-controlled territory near the Marukhi Pass and firing on a border guard helicopter. On 13 August, another high-level meeting between the two sides was convened. Soon after the talks started, however, the Georgian delegation received a report that fighting had broken out between the two sides near the Marukhi Pass. The meeting was suspended, and the Georgian delegation flew to the area to clarify the situation. It returned later that day and stated that Abkhaz armed units had moved forward from their positions into the Chkhalta Valley and that Georgian forces had opened fire.

13. On 14 August, the Defence Ministers of the two sides met. They again agreed to withdraw their forces from the positions in the Marukhi Pass area, to remove jointly newly laid mines there, and to request UNOMIG and the CIS peacekeeping force to monitor the withdrawal and mine clearing.

14. A joint UNOMIG/CIS patrol to the Kodori Valley planned for mid-August was cancelled because the Georgian authorities did not provide the necessary security guarantees. The planned joint mine clearance has not been carried out so far, because the sides at subsequent technical meetings, could not agree on the modalities for the operation.

15. Despite this lack of tangible results of the various meetings, they succeeded in defusing the tensions for the time being and a joint UNOMIG/CIS patrol to the Kodori Valley was conducted from 31 August to 2 September. It found that the Abkhaz side was repairing the road in the lower part of the valley and that the CIS checkpoints there had increased their protective measures; the Georgian mortars and ammunition in the upper valley had still not been removed. The next two patrols, however, planned to start on 12 and 25 September respectively, were cancelled, the first because the Georgian side had not cleared the mines at the entrance to the Georgian-controlled upper part of the valley (as is the usual procedure), and the second because the Abkhaz side did not provide security clearance for the Abkhaz-controlled lower part, owing to the alleged presence of armed irregulars there. A patrol did go to the Kodori Valley from 3 to 8 October and observed the removal of the Georgian mortars and ammunition from the valley.

Gali and Zugdidi sectors

16. The general security situation in the Gali sector was calm, with the exception of the lower Gali area, where there were two particularly violent shooting incidents. The first was an exchange of fire between the Abkhaz militia and an unidentified armed group during the night of 31 August/1 September at Khumuskhuri (about 15 kilometres south-west of Gali city); three members of the armed group were killed. The second occurred on 25 September, when three Abkhaz officials were killed in an ambush in broad daylight near the main bridge across the Inguri River. There were also a number of shootings at Abkhaz and CIS positions, as well as two explosions; none of these incidents led to fatalities.

17. There was the usual upsurge in robberies during the hazelnut harvest, though the crime rate overall was lower than in previous years. Still, 14 robberies were reported, as well as a number of tit-for-tat abduction cases. The activities of local law enforcement agencies are seen as insufficient by the returnee population in the lower Gali area.

18. In order to explore ways of strengthening the law enforcement agencies, my Special Representative continued consultations with the two sides. In this connection, a meeting of Working Group II of the Coordinating Council was convened on 20 July, chaired by the representative of the Office of the United Nations High Commissioner for Refugees (UNHCR) to Georgia. Working Group II had previously only met twice in 1998. The outcome included a request for UNOMIG to dispatch a security assessment team to the Gali and Zugdidi districts later this year, as a follow-up to the recommendations of the joint assessment mission undertaken in November 2000 (see S/2001/59, annex II). The assessment team will provide options and make recommendations to my Special Representative for improving the effectiveness of law enforcement personnel and agencies and their cooperation with the judiciary, with the aim of creating a safer and more secure environment for persons wishing to exercise their right of return or having already returned. Working Group II also agreed that the problems of the returnee population would become a topic for the weekly quadripartite meetings (these meetings bring together the two parties, UNOMIG and the CIS peacekeeping force for a regular exchange on practical issues on the ground).

19. The general security situation in the Zugdidi sector was calm. The law and order situation has improved to some extent; there were only two robberies reported to UNOMIG during the reporting period. Criminal activities across the ceasefire line nevertheless remained a problem, and often perpetrators of crimes on one side flee to the other side to take refuge. Demonstrations by internally displaced persons, including a blockade of the main bridge over the Inguri River from 22 August to 5 September, reflected the desperation among the refugees 10 years after the start of the hostilities. They demanded the proper payment of their allowances, the withdrawal of the CIS peacekeeping force and the prompt return of refugees to their original homes. As a result of heavy rainfall at the end of June, a significant number of bridges and roads within the Zugdidi sector were either damaged or destroyed, which had a negative effect on UNOMIG patrols.

IV. Cooperation with the collective peacekeeping force of the Commonwealth of Independent States

20. UNOMIG and the CIS peacekeeping force continued to work in close cooperation, in particular in conducting the joint patrols to the Kodori Valley, and maintained good relations at all levels. The staff of the two organizations held regular meetings, complementing the exchanges between the Chief Military Observer and the CIS Force Commander. The weekly quadripartite meetings and the activities of the Joint Fact-Finding Group also remained useful platforms for information sharing and coordination.

V. Humanitarian situation and human rights

21. International humanitarian agencies and non-governmental organizations continued their programmes, targeting the acute food and medical needs of the most vulnerable segments of the population in Abkhazia, and conducted mine-clearance, small-scale rehabilitation and community development activities. Their operations continued to be hampered by restrictions on border crossings at the Psou River.

22. UNHCR continued its limited humanitarian operation in Abkhazia, against the background of recurrent concerns about security and criminality. In cooperation with local authorities and beneficiary communities, it pursued the basic rehabilitation of school buildings, as endorsed by the parties in Working Group III of the Coordinating Council. This year, the emphasis of this activity, which covers 49 schools, is in areas beyond the Gali district. The project has essentially been implemented, though some construction work remains to be completed by the local communities. A group of vulnerable elderly persons in Sukhumi continued to benefit from a small-scale UNHCR assistance programme through a local non-governmental implementing partner. Following the establishment of a sub-account for humanitarian quick-impact projects in the UNOMIG Trust Fund, efforts are under way to obtain funding for a number of projects that have been identified.

23. The human rights situation in Abkhazia remained fragile, particularly in the security zone at the Gali side of the ceasefire line. The Mission's Human Rights Office continued to promote human rights awareness through a specialized programme on a district television station and the publication of two United Nations human rights documents in the Abkhaz language, "Guiding Principles on Internal Displacement" and "Minority Rights". It also started to participate in the weekly quadripartite meetings, following the decision by Working Group II that returnee issues would be discussed regularly in that forum.

VI. Support issues

24. UNOMIG has now installed two more satellite communication stations, thereby providing full interconnectivity throughout the Mission area, including the two sectors. A further 14 microwave systems are being deployed in the Mission area. The VHF network has been expanded from 16 to 32 channels to make provision for operational, evacuation, security, air operations and medevac/search and rescue channels.

VII. Observations

25. During the period reviewed in this report, the situation in the Georgian-Abkhaz conflict zone has, unfortunately, not improved. In the absence of a substantive negotiation process on the core issue of the conflict — the status of Abkhazia within the State of Georgia — upsurges of tension, including exchanges of gunfire, continued to occur with alarming frequency, while the population suffered from crime, partisan violence and the lack of economic development. To reduce these tensions, the Abkhaz side needs to reconsider its refusal even to discuss the paper "Basic Principles of the Distribution of Competences between Tbilisi and Sukhumi" and its transmittal letter, which is, after all, only the starting point for negotiations in which the legitimate interests of the multi-ethnic population of Abkhazia can be addressed. The Georgian side, for its part, needs to make more efforts to promote trust and confidence on the Abkhaz side. My Special Representative will continue her efforts, with the support of the Group of Friends, to encourage advancement in the political process, but the basic responsibility lies with the parties.

26. The Kodori Valley has been a source of tension for more than a year. UNOMIG will continue its efforts to defuse tensions emanating from the area and bring the parties together to address the underlying problems. However, again it is up to the parties, who exercise control in this area, to do their part to prevent destabilization and create the security conditions in which UNOMIG can function.

27. It is deplorable that there has been no progress on refugee returns, owing to the absence of the safe, secure and dignified conditions under which such returns are to be effected according to international law and the 1994 Quadripartite Agreement. The UNOMIG security assessment team will seek to identify ways in which the existing law enforcement personnel and institutions can improve their effectiveness in combating criminal activities and strengthening the rule of law.

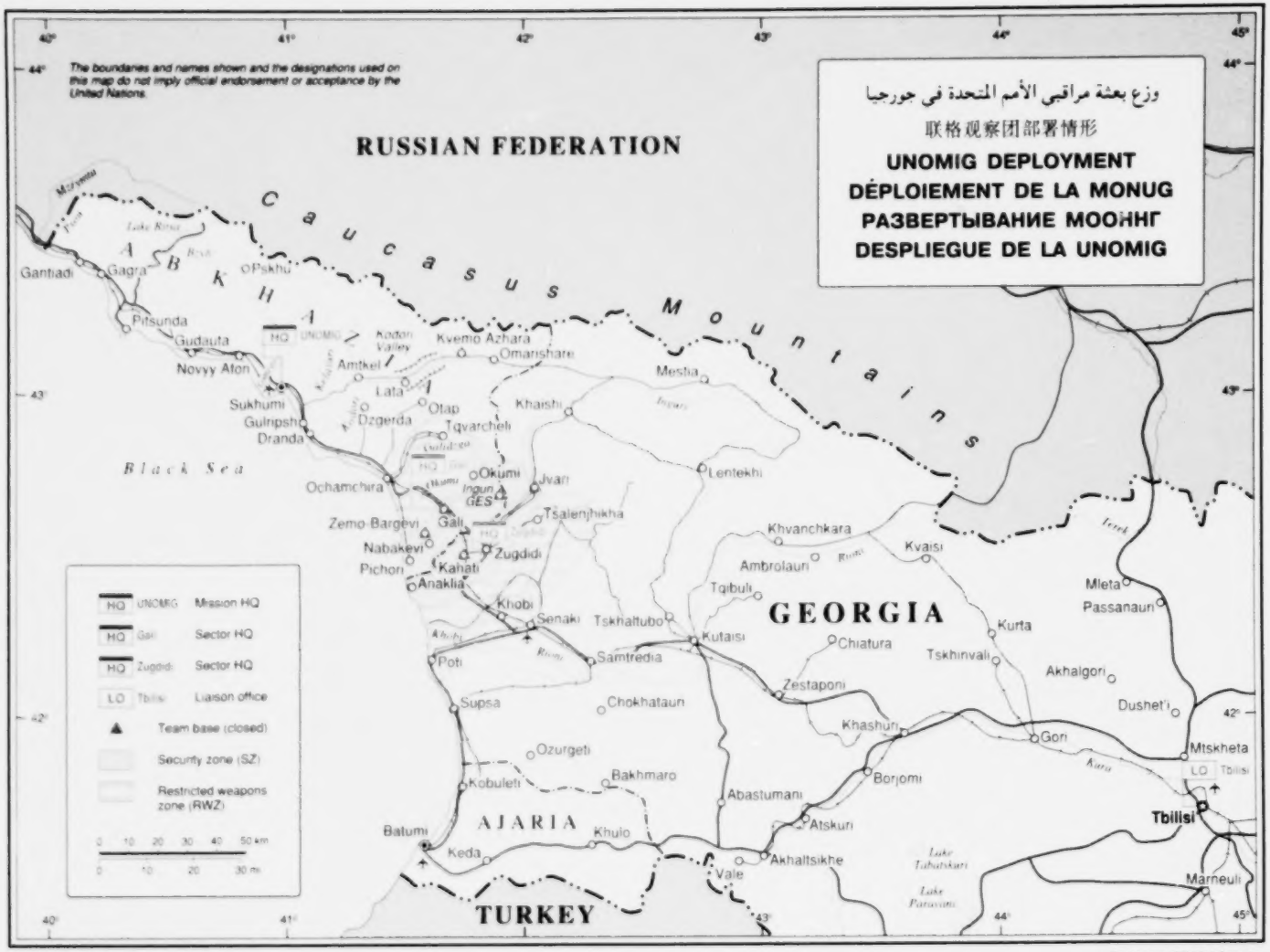
28. One year after the shooting down of a United Nations helicopter, as UNOMIG remembers its colleagues who lost their lives in the service of peace, the perpetrators of the crime are still at large, as are those responsible for taking UNOMIG personnel hostage in several incidents from 1998 to 2000. Every effort must be made to apprehend them and bring them to trial.

29. In conclusion, I should like to express my appreciation for the steadfastness and dedication with which my Special Representative, Heidi Tagliavini, the Chief Military Observer, Major General Kazi Ashfaq Ahmed, and the men and women of UNOMIG have carried out their difficult and often dangerous duties.

Annex

Countries providing military observers (as at 1 October 2002)

Country	*Military observers*
Albania	1
Austria	2
Bangladesh	8
Czech Republic	5
Denmark	6
Egypt	3
France	3
Germany	11
Greece	4
Hungary	7
Indonesia	4
Jordan	6
Pakistan	7
Poland	4
Republic of Korea	5
Russian Federation	3
Sweden	5
Switzerland	4
Turkey	5
Ukraine	3
United Kingdom of Great Britain and Northern Ireland	7
United States of America	2
Uruguay	3
Total	**108**



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